

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated February 23, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-15 are pending in the Application. Claims 9-15 are withdrawn. By means of the present amendment, claims 1-8 are amended including for better conformance to U.S. practice, such as amending dependent claims to begin with "The" as opposed to "A" as well as correcting certain informalities noted upon review of the claims. By these amendments, claims 1-8 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

Applicants thank the Examiner for acknowledging receipt and consideration of an Information Disclosure Statement filed on December 22, 2005.

In the Office action, the specification is objected to for informalities. The specification is amended as requested by the Examiner. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

In the Office Action, claims 1-2 and 6-8 objected to for informalities. In the interest of advancing consideration and allowance of the claims, the Applicants have elected to amend the claims in accordance with the Examiner's suggestions. Accordingly, withdrawal of the objection to claims 1-2 and 6-8 is respectfully requested.

Claim 8 is rejected under 35 U.S.C. §112, second paragraph. This rejection of claim 8 is respectfully traversed, however, in the interest of advancing consideration and allowance of the claims, claim 8 is amended herein to address the issue raised in the Office Action. Accordingly, it is respectfully submitted that claim 8 is in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

Claims 1 and 3-5 are rejected under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2004/0137751 to Ou-Yang ("Ou-Yang"). Claims 2 and 8 are rejected under 35 U.S.C. §103(a) over Ou-Yang. Claims 6-7 are rejected under 35 U.S.C. §103(a) over Ou-Yang in view of Japanese Patent Publication No. JP 2001-307391. These rejections are respectfully traversed. It is respectfully submitted that claims 1-8 are allowable over Ou-Yang alone and in view of JP 2001-307391 for at least the following reasons.

Ou-Yang describes distributing a viscous liquid over a surface of a substrate by conditioning the substrate thermally, locally specific before or during the spin coating process. As Ou-Yang teaches in paragraph [0028] cited in the Office Action, "the liquid is being spread upon the surface of substrate 1". In other words, Ou-Yang describes spreading of the liquid over the whole substrate, it does not teach or suggest limiting the spread of the liquid, e.g., "between an inner radius r_i and an outer radius r_o " as in claim 1.

Further, paragraphs [0014]-[0015] and [0033]-[0034] of Ou-Yang is cited in the Office Action as describing the heating act of claim 1. However, in these paragraphs Ou-Yang only describes a single source of heated air directed to an outer region of an optical storage media during spin coating with resin. This description and the description used to reject claims 3-5 does not rise to a level of teaching "heating the liquid layer by heating means in an area with a radius larger than the inner

radius r_i in such a way that the temperature rise of the liquid layer at r_i has a value δT_{ri} " and "wherein while the temperature rise of the liquid layer between r_i and r_o gradually increases, the temperature rise of the liquid layer at r_o has a value $\delta T_{ro} > \delta T_{ri}$ " as recited in claim 1. Support for positioning the heating means, illustrated in Figure 1 as the infra red heating device 14, in an area with a radius larger than the inner radius r_i , i.e., between the inner and outer radius r_i and r_o , is found at least at page 9, lines 13-15 of the specification of the present application. Positioning of the "heating means in an area with a radius larger than the inner radius r_i " enables the gradual increase of "the temperature rise of the liquid layer at r_o has a value $\delta T_{ro} > \delta T_{ri}$ " as recited in claim 1. This is not taught or suggested in Ou-Yang.

It is respectfully submitted that claim 1 is not anticipated or made obvious by the teachings of Ou-Yang. JP 2001-307391 is introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies in Ou-Yang.

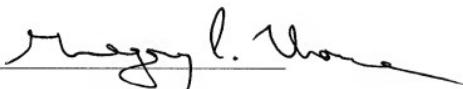
Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Ou-Yang and notice to this effect is earnestly solicited. Claims 2-8 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
May 26, 2009

THORNE & HALAJIAN, LLP

Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101